**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR**

**FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928**

**WP(C).No. 31764 of 2006(F)**
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**PETITIONER:**
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**G. SONY, S/O.GOINADHAN UNNITHAN,**
**AGED 28, RESIDING AT AMBADY,**
**KANNAMKODU, VENJARAMMOODU P.O.,**
**THIRUVANANTHAPURAM.**

**BY ADV. SRI.J.S.AJITHKUMAR**

**RESPONDENTS:**
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1. **THE DIRECTOR, LBS CENTRE FOR**
   **SCIENCE AND TECHNOLOGY, NANDAVANAM, PALAYAM,**
   **THIRUVANANTHAPURAM-693 033.**

2. **STATE OF KERALA REPRESENTED BY**
   **THE SECRETARY, EDUCATION DEPARTMENT,**
   **GOVT.SECRETARIAT, THIRUVANANTHAPURAM.**

**BY ADV. SRI.P.B.SURESH KUMAR SC, LBS CENTRE**
**BY GOVT.PLEADER SMT. N. SUDHADEVI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WPC.NO.31764/2006F**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1:** **COPY OF THE EXTRACT OF THE PROSPECTUS OF THE 1ST RESPONDENT.**

**EXT.P2:** **COPY OF THE EQUIVALENCY CERTIFICATE ISSUED BY THE REGISTRAR, UNIVERSITY OF KANNUR DATED 14/08/2006.**

**EXT.P3:** **COPY OF THE LETTER DATED 1/09/2006 OF THE 2ND RESPONDENT TO THE PETITIONER.**

**EXT.P4:** **COPY OF THE LETTER OF COMMUNICATION ISSUED BY THE PUBLIC INFORMATION OFFICER, UNIVERSITY OF MADRAS DATED 11/01/2007.**

**/TRUE COPY/**

**KSS**

K.BALAKRISHNAN NAIR, J.

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W.P.(C).No.31764 of 2006-F

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Dated this the 16th day of March, 2007

**JUDGMENT**

The petitioner is a candidate who took the Special Eligibility Test held by the respondents during the year 2005. The petitioner was a Post-Graduate in Geography awarded by the Madras University. In view of clause 5.6 read with clause 5.7 of Ext.P7 prospectus the petitioner should produce an equivalency certificate from any one of the Universities in Kerala to show that the degree acquired by him is equivalent to the degree awarded by the Universities concerned in Kerala. Though the petitioner moved for equivalency certificate, he could get it only on 14-8-2006. Ext.P2 is the equivalency certificate issued by the Kannur University. The first respondent did not publish the results of the petitioner for the reason that he failed to produce the equivalency certificate within the time prescribed in the prospectus and within the extended time granted by the Government. So, this writ petition was filed seeking appropriate reliefs.

2. The first respondent has filed a statement in which it is submitted that the original time limit fixed in the prospectus was extended by the Government as per G.O.(MS) 334/2004 dated 30-10-2004 upto 30-5-2005. The same was further extended upto 30-7-

2005 by G.O.(Rt)No.2207/2005 dated 30-5-2005. Since the petitioner failed to produce the equivalency certificate within the extended time limit, his results of the SET examination, 2005 cannot be published.

3. Heard the learned counsel on both sides. The learned counsel for the petitioner points out that he filed a representation before the Government on 25-8-2006 along with a copy of Ext.P2 for issuing a direction to the first respondent to declare the results. But, the Government by Ext.P3 communication dated 1-9-2006 informed the petitioner should produce the equivalency certificate stating that the course completed by him makes him eligible for applying for appointment to the post of Higher Secondary School Teacher. The petitioner points out that in view of Ext.P2, issuance of Ext.P3 is unnecessary and the Government should have directed the first respondent to publish the results of his examination.

4. The learned Standing Counsel for the first respondent submitted that if the Government grants relaxation, the results will be published. As per the Special Rules for appointment to the post of Higher Secondary Teachers the qualification is Post-Graduate degree awarded by one of the Universities in Kerala or recognised as equivalent by one of the Universities. In view of Ext.P2, the

petitioner has got the prescribed qualification for appointment to the post of Higher Secondary Teacher. So, the said certificate will be sufficient to declare the results of the petitioner provided the Government extends the time limit for production of the same. In view of the above position, the Government is directed to consider whether the production of Exts.P2 in August, 2006 can be treated as production of the same in time by relaxing the provisions contained in Clause 5.8 of the prospectus for SET Examination, 2005. This the Government shall do after affording an opportunity of being heard to the petitioner within three months from the date of production of a copy of this judgment. If the time is extended as prayed for by the petitioner, needless to say, the first respondent shall immediately publish the results of the examination and the certificate shall be furnished to him, without delay.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

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